

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

STEVEN R. BLAIR,)	
)	8:05cv31
Plaintiff,)	
)	
vs.)	MEMORANDUM AND ORDER
)	
NEBRASKA PAROLE BOARD, et al.,)	
)	
Defendants.)	

This matter is before the court on the following pending motions: (1) filing no. 78, the defendants' Motion to Dismiss for Mootness or in the Alternative Motion for Summary Judgment; (2) filing no. 82, the defendants' Motion for Summary Judgment in their Individual Capacities; and (3) filing nos. 86 and 88, the Motions for Extension of Time filed by the plaintiff, Steven R. Blair. The court convened a planning conference on August 14, 2006. However, after some discussion and for various reasons, the court continued the conference until September 21, 2006.

Also on August 14, 2006, an attorney entered an appearance for the plaintiff (filing no. 90). Accordingly, at this time, I will enter an order granting the plaintiff's counsel sufficient time to become familiar with the record of this case and requiring the plaintiff, through counsel or, if necessary, on his own, to respond within a specified period to the defendants' pending dispositive motions.

IT IS THEREFORE ORDERED:

1. That the planning conference scheduled for September 21, 2006 is continued until further order of the court;
2. That filing nos. 86 and 88, the plaintiff's Motions for Extension of Time, are granted, and the plaintiff **shall** file a brief by **September 25, 2006** in response to filing no. 78, the defendants' Motion to Dismiss for Mootness or in the Alternative Motion for Summary Judgment, and filing no. 82, the defendants' Motion for Summary Judgment in their Individual Capacities; and

3. That, if the plaintiff¹ fails to file a timely and sufficient response to filing nos. 78 and 82, the plaintiff's complaint and this action may be subject, without further notice, to dismissal for failure to prosecute.²

DATED this 15th day of August, 2006.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge

¹If counsel for the plaintiff fails to file the brief, the plaintiff is responsible for filing a brief himself, on time.

²See NECivR 41.1, which states in pertinent part: "At any time when it appears that any action is not being prosecuted with reasonable diligence the court may dismiss it for lack of prosecution."